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Attorneys for Defendant
AMERICAN SECURITY INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHELLE T. WAHL, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

AMERICAN SECURITY INSURANCE
COMPANY; and DOES 1-50, inclusive,

Defendants.

Case No. C:08-0555-RS

CLASS ACTION

STIPULATION AND ~~PROPOSED~~
ORDER AMENDING THE CASE
MANAGEMENT SCHEDULING
ORDER ENTERED ON AUGUST 5,
2009

1 The parties, by their undersigned counsel, hereby submit the following stipulation and
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. On August 5, 2009, this Court entered a Further Case Management Scheduling Order
4 (Document 77) providing the parties until October 16, 2009 to complete discovery related to class
5 certification issues. The Court also set November 3, 2009 for the filing of Plaintiff's Motion for
6 Class Certification and Defendant's Motion for Judgment on the Pleadings, with oppositions due on
7 December 4, 2009 and replies due on December 22, 2009. A hearing was set for both motions on
8 January 14, 2010, at 9:30 a.m.

9 2. On August 27, 2009, Defendant filed a Motion for Protective Order (Document 79)
10 seeking to limit its production of discovery in response to Plaintiff's document requests and
11 interrogatories.

12 3. Because any motion filed on or about August 27, 2009 would not have been heard
13 until early October, 2009 on the normal 35 day motion cycle under Local Rule 7-2(a), just a few
14 days before the October 16, 2009 class certification discovery deadline, the parties requested and the
15 Court approved an expedited hearing on Defendant's Motion for Protective Order, and a hearing on
16 that Motion was held on September 16, 2009.

17 4. On October 23, 2009, the Court issued an Order Granting In Part And Denying In
18 Part Defendant's Motion For Protective Order And For Sanctions (Document 89), directing
19 Defendant to produce documents and interrogatory answers Plaintiff sought concerning all lenders
20 for whom Defendant issued lender placed insurance ("LPI") in California. In response to this Order,
21 Defendant has advised that it has approximately 40,000 pages of responsive documents that it will be
22 producing to Plaintiff during the week of November 2, 2009. Plaintiff will, of course, need
23 sufficient time to review these documents and interrogatory answers determine whether any
24 deposition(s) or other discovery is necessary before presenting her Motion for Class Certification.

25 5. At the September 16, 2009 hearing, the Court indicated that it would enter an
26 amended class discovery and motion submission schedule once the Motion for Protective Order was
27 decided. Undersigned Plaintiff's counsel, Joseph N. Kravec, Jr., was subsequently advised by the
28

1 Court's clerk that the parties should confer on an amended schedule and present a proposal to the
2 Court.

3 6. In that connection, the parties hereby agree to and submit the following stipulation for
4 an amended schedule for completion of class discovery and for the hearing and briefing on
5 Plaintiff's Motion for Class Certification and Defendant's Motion for Judgment on the Pleadings:

6 1. On or before **January 13, 2009**, all class certification discovery shall be
7 completed by the parties. Any discovery requests pursuant to Federal Rules of Civil
8 Procedure 33-36 and 45 shall be served far enough in advance so that responses to written
9 discovery shall be due, as provided in said rules, no later than the discovery completion date.
10 All depositions shall be concluded by the discovery completion date.

11 2. Plaintiff's motion and brief in support of class certification and Defendant's
12 contemplated Motion for Judgment on the Pleadings shall be filed no later than **January 27,**
13 **2010.**

14 3. Defendant's opposition to the Motion for Class Certification and Plaintiff's
15 opposition to the Motion for Judgment on the Pleadings shall be filed no later than **February**
16 **24, 2010.**

17 4. Plaintiff's reply in support of her Motion for Class Certification and
18 Defendant's reply in support of its Motion for Judgment on the Pleadings shall be filed no
19 later than **March 10, 2010.**

20 5. The Motion for Class Certification and the Motion for Judgment on the
21 Pleadings shall be heard on **March 24, 2010, at 9:30 a.m.** in Courtroom 4, 5th Floor, United
22 States Courthouse, 280 S. First Street, San Jose, California.

1 The Parties respectfully request that the Court enter this Stipulation.

2 Dated: August 26, 2009

3 **AGREED TO BY:**

4 **SPECTER SPECTER EVANS
& MANOGUE, P.C.**

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6 By: s/ Joseph N. Kravec, Jr.
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21 **ATTORNEYS FOR PLAINTIFF**

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

23
24 Dated: October 29, 2009

JORDEN BURT LLP

By: s/ Frank G. Burt (per e-mail consent)
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ATTORNEYS FOR DEFENDANT

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Honorable Richard Seeborg